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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 UNITED STATES OF AMERICA, )  
8 )  
9 Plaintiff, ) Case No. CR03-00211-JCC-002  
10 v. )  
11 LEONARD GARY COOK, ) **PROPOSED FINDINGS OF**  
12 ) **FACT AND DETERMINATION**  
13 ) **AS TO ALLEGED**  
14 ) **VIOLATIONS OF**  
15 Defendant. ) **SUPERVISED RELEASE**  
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13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on March 18,  
15 2009. The defendant appeared pursuant to a warrant issued in this case. The United States was  
16 represented by Michael J. Lang, and defendant was represented by Paula Semmes Deutsch. Also  
17 present was U.S. Probation Officer Brian K. Facklam. The proceedings were digitally recorded.

18 CONVICTION AND SENTENCE

19 Defendant was sentenced on June 18, 2004 by the Honorable John C. Coughenour for  
20 Conspiracy in violation of 18 U.S.C. § 371 and Bank Fraud. He received 18 months  
21 imprisonment and 5 years of supervised release. On June 2, 2008, the Court took no action after  
22 defendant admitted using cocaine. On July 2, 2008, the Court modified defendant's supervision  
23 and added 90 days of home confinement with electronic monitoring after defendant tested

PROPOSED FINDINGS OF FACT AND  
DETERMINATION AS TO VIOLATIONS OF  
SUPERVISED RELEASE -1

1 positive for controlled substances.

2 PRESENTLY ALLEGED VIOLATIONS AND  
3 DEFENDANT'S ADMISSION OF THE VIOLATION

4 In a petition dated February 25, 2009, U.S. Probation Officer Brian K. Facklam alleged that  
5 defendant violated the following conditions of supervised release:

6 1. Using methamphetamine on or before February 4, 2009, in violation of standard  
7 condition 7 and the special condition which prohibits drug use.

8 2. Failing to appear for drug testing on October 21, December 29 and 30, 2008; in  
9 addition to January 5, February 2 and 3, 2009, in violation of the special condition requiring him  
10 to submit to drug testing as instructed.

11 3. Failing to participate as instructed by the U.S. Probation Officer in a program  
12 approved by the probation office for substance abuse in violation of the special condition  
13 requiring that he do so.

14 Defendant admitted the above violations, waived any hearing as to whether they occurred,  
15 and was informed the matter would be set for a disposition hearing April 3, 2009 at 9:00 a.m.  
16 before District Judge John C. Coughenour. Upon defendant's admissions to violations 1 and 2,  
17 the United States withdrew violation No. 3.

18 RECOMMENDED FINDINGS AND CONCLUSIONS

19 Based upon the foregoing, I recommend the court find that defendant has violated the  
20 conditions of his supervised release as alleged above, and conduct a disposition hearing.

21 DATED this 18<sup>th</sup> day of March, 2009.

22 

23 BRIAN A. TSUCHIDA  
United States Magistrate Judge